Death by Paperwork

Dick Durbin tries to bury health freedom under a bureaucratic avalanche.

Last month, we noted that the FDA appeared to be backing off its harsh New Dietary Ingredients (NDI) guidelines for supplements. Overwhelming public outcry against NDI focused on the unreasonable burden the guidelines would place on manufacturers—requiring mountains of bureaucratic, redundant paperwork that would drain resources and bring the supplement industry to a screeching halt. As we anticipated, the Food and Drug Administration's apparent backpedaling seems to have been a mere distraction. Just as the FDA relented, a new threat manifested from a legendary enemy of health freedom: Senator Dick Durbin.

Bureaucracy Trap

In May, just as the FDA softened its stance on NDI, Durbin proposed an amendment to the FDA Reauthorization for User Fees bill that would have required that nutritional supplement manufacturers provide descriptions, labels and ingredient lists for each product they make. Further, Durbin's amendment would require that this paperwork be provided for not just every product on the shelves, but also every product that had ever been modified, reformulated or even discontinued.

Does this sound familiar? It is the same "paperwork avalanche" tactic that makes the FDA's NDI guidelines so dangerous—just packaged differently and discreetly attached to an existing bill. Just like NDI, Durbin's proposal would create a mammoth busywork task that would cost the supplement industry millions of dollars. Instead of focusing efforts on innovative, health-enhancing nutritional supplements, manufacturers would be forced to divert valuable resources to cataloging thousands upon thousands

of products—even products that haven't appeared on store shelves for years! What purpose could this paperwork possibly serve?

Even worse, the astronomical costs of cataloging every supplement ever created would likely, by necessity, be passed on to the consumer so supplement manufacturers and health food stores could stay in business. Fifty dollars for a bottle of vitamin C, anyone?

An Obvious Connection

There is an obvious connection between NDI and Durbin's recent proposal. Enemies of health freedom seem intent on this particular warfare tactic, in which the thriving natural products industry may be toppled by absurd paperwork demands from the FDA. With Durbin's proposal, the same attack on health freedom is now coming from two different directions. Thankfully, the American people have shown themselves to be fiercely protective of their right to take nutritional supplements, and elected officials have responded accordingly.

Durbin's proposal was rejected by a Senate vote of 77 to 20 shortly after it was introduced. Senators Orrin Hatch and Tom Harkin once again came to the defense of health freedom, arguing that Durbin's proposed requirements would create an unreasonable and pointless burden for both the FDA and the supplement industry.

While we won the battle, it appears the war against health freedom has taken a disturbing new twist: Dick Durbin may be back to his old tricks. In June 2011 his Dietary Supplement Labeling Act seemed custom-designed to bury the supplement industry, as did his Adverse Event Reporting initiative of 2006. With Durbin back in the picture once again taking dead aim at our health freedom, we must double our efforts to protect the Dietary Supplement Health and Education Act (DSHEA) and preserve our right to take safe, natural supplements.

Please take a moment to send a fax of thanks to Senators Tom Harkin at 202-224-9369 and Orrin Hatch at 202-224-6331 for rushing to the defense of our health freedom. Remain extra vigilant now that Durbin and the FDA seem to be coordinating sneak attacks on DSHEA. And as always, stay tuned—visit www.NHA2012.com for up-to-the-minute news! ❖

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